

PORT AND SOLID WASTE DEPARTMENT

Brown County

2561 SOUTH BROADWAY
GREEN BAY, WI 54304

PHONE: (920) 492-4950 FAX: (920) 492-4957

CHARLES J. LARSCHEID

PORT AND SOLID WASTE DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, February 14, 2011** at Clarion Hotel, 200 Main Street, Green Bay, WI.
The meeting was officially called to order by President McKloskey at 11:30am.

Roll Call:

Present: President Neil McKloskey
Commissioner Bill Martens
Commissioner Craig Dickman
Commissioner John Hanitz
Commissioner Bernie Erickson (left at 1:45pm)
Commissioner Hank Wallace

Excused: Commissioner Ron Antonneau
Commissioner John Gower
Commissioner Tom Klimek

Also Present: Charles Larscheid, Brown County Port & Solid Waste
Dean Haen, Brown County Port & Solid Waste
Mark Walter, Brown County Port & Solid Waste

2. Approval/Modification – Meeting Agenda

A motion to approve the agenda was made by Hank Wallace and seconded by John Hanitz.
Unanimously approved.

3. Approval/Modification – December 13, 2010 Meeting Minutes

A motion to approve the December 13, 2010 meeting minutes was made by Neil McKloskey and seconded by Hank Wallace. Unanimously approved.

4. Green Bay Cellcom Marathon – Request for Approval

The representatives of the Green Bay Cellcom Marathon were unable to attend today's meeting, so Port Manager Haen summarized what was outlined in the January 27, 2011 letter from John Mory, Race Operations Manager. **A motion to approve Green Bay Cellcom Marathon's request for bridge closures on May 15, 2011 from 8:30am until 1:30pm was made by Bernie Erickson and seconded by Craig Dickman.** Unanimously approved.

5. Statement of Intentions for the WDOT Harbor Assistance Program – Request for Approval

Enclosed in the agenda packet was the Resolution approving the three-year Statement of Intentions for the Wisconsin Department of Transportation Harbor Assistance Program (HAP). All potential projects for the next three years are included. The highest priority is Noble Petro putting in a flare system and a docking structure to move petroleum products. **A motion to approve the Statement of Intentions as presented was made by John Hanitz and seconded by Craig Dickman.** Unanimously approved.

6. Cat Island Chain Restoration Project

- a) Natural Resources Damage Assessment Grant Agreement through the U.S. Fish & Wildlife Service—Request for Approval
Staff provided an update of the progress on the Cat Island Chain Project. Approval is being requested for the Natural Resources Damage Assessment (NRDA) grant agreement through the U.S. Fish & Wildlife Service for \$800,000 granted to the County. This is the last of three grant agreements to be secured (EPA Great Lakes Restoration Initiative Grant & WDOT Grant). The NRDA funds will be used for Brown County's local contribution towards the HAP grant.
The Commission referred to Page 7 of 8 XII General Provisions which stated "see Attachment A" and "see Attachment B". Staff indicated the Attachment A was not included in the agenda packet. Staff said they have the document and could send it electronically or it is available at the Port & Solid Waste Office. As requested by the Commission, a footnote will be added to this document for the PD&T meeting along with one copy of said Attachments. The Commission requested that any future documentation with this wording be handled as noted above. **A motion to approve the Grant Agreement between U.S. Fish & Wildlife Service and Brown County was made by Craig Dickman and seconded by Hank Wallace.** Unanimously approved.
- b) Quality Assurance Plan – Update
The Quality Assurance Plan, which is a requirement of our Great Lakes Restoration Initiative Grant, was submitted and approved by the EPA. The Plan details all the items to be addressed on the project and needs to be signed by Brown County as well as the contractor.
- c) Dredge Material Management Plan – Update
The Dredge Material Management Plan has not been approved by the U.S. Army Corps of Engineers (USACE) Headquarters. As indicated at the last meeting, the finding of no significant impact was approved. The USACE has requested a peer review which could take up to four months. Staff noted available options: 1) object the process; 2) ask for grant extension; 3) use political influence and/or EPA influence. The review will not cost the County money but will add additional time for completion of the project. The Commission suggested asking for a grant extension via a letter to the EPA.
- d) Plans and Specifications – Update
The USACE has completed 100% of the plans and specifications for the project. The above-mentioned peer review, however, will change those plans and specifications. Brown County would like to assure that the road for the Cat Islands is not constructed like the Renard Island causeway as there is no crown to allow drainage. Brown County will most likely make their recommendations after completion of the peer review.

7. Closure of Renard Island

- a) USACE Causeway Construction
As of December 2010, the USACE has finished the causeway and are within budget. Staff provided a PowerPoint presentation of the causeway along with an explanation of the construction progress to date. A handout showing the project status and costs was also distributed. The Commission asked if the project is on target with the proposed costs. Staff indicated there should not be any overrun on costs, but noted the bigger concern is running out of time. If Peters is unable to complete the project during the winter months, it may delay the project until next fall at an increased cost. Legal counsel has advised staff that per the contract with Peters Construction, Brown County has the ability to renegotiate. The project was bid out at 175,000 cubic yards but actually 234,000 cubic yards will be moved due to better pricing. The project is approximately 50% completed. Staff visits the site daily to check on the progress of the construction. The projected completion date of Brown County's portion of the project is March 15, 2011. Cell 2 will be emptied completely and some material will be taken from Cell 8. It was noted that the contractor has been doing a great job and there have been no complaints or comments from the public regarding this project.

- b) Brown County Construction Project – Update
The President's budget will be released today and should indicate whether the USACE will have the funds available to complete the project. If the funds are not available, Brown County will need to contact our legislators to stress the importance of completing this project on a timely basis. Staff will be going to Washington, D.C. in March and meetings are set up with our legislators. Staff indicated to date they have had difficulty reaching the newly elected legislators. Staff did meet with Rep. Ribble's staff. No contact has been received from Senator Johnson's staff to date. The USACE will be using material from Cell 7 for the cap.
 - c) Cap Quality Material – Update
A lot of time and money have been invested to find the cap quality material for Renard Island closure. Staff reviewed the attachment included with the agenda wherein it indicates arsenic was found in the material. Additional samples were taken and were tested. This material came back within the limits. A letter was sent to the WDNR to approve this quantity material from Cell 7; no response has been received as of this date. This material, if approved, will be put on Renard Island as the cap. If the WDNR does not approve the material submitted, Brown County will need to find another source, however, staff is confident approval will be received. A maximum elevation was set by the WDNR to ensure Brown County does not overfill. Once Brown County meets the 2-1/2 foot cap, the Island is considered closed. As the Island settles over time, the height of the Island is not an issue as long as the Island settles uniformly (sink holes).
 - d) Corps Project – Update
The federal government has not approved a FY11 budget continuing to operate under a continuing authorization. Staff worked with last year's members of Congress trying to secure funding for the Corps to complete closure activities. Senator Kohl requested \$5M and Congressman Kagen requested \$3M. Staff is meeting with Congressman Ribble and Senator Johnson and their staffs to try to secure FY12 funding for closure of Renard Island. The President's budget will be released on February 14th and most likely will not include any funding for closure activities; these will be left to Congress to add, if they are inclined to do so. USACE activities are project funded. With Congress' desire to no longer earmark, USACE projects will have to get funded another way.
8. Hwy 41 Reconstruction Project – Update
- a) Low Hazardous Waste Exemption Request for Hwy 41 Reconstruction
 - b) WDOT listing of dredge material as potential borrow source
The WDNR is asking for a low hazardous waste exemption for the ability to beneficially reuse this dredge material in the construction of Hwy 41 and 141 reconstruction. No response has been received yet from the WDNR but staff has been told by the WDNR that a response will be sent to Brown County by March 1, 2011. This date is critical as the WDOT will be putting out bids for doing part of Hwy 29/41 interchange. Brown County is identified on the WDOT website as a borrow source for this material but will need this low hazardous waste exemption in order for a contractor to use this material. To increase Brown County's chances of incorporating the dredge material into this project, staff is working with the Wisconsin Transportation Development Association. Staff is hoping to meet with all the potential contractors who might bid on the WDOT project to ensure they are aware of this information.
9. Economic Impact of Wisconsin's Commercial Ports
An Economic Impact Report on all Wisconsin ports prepared by the WDOT was included in the agenda packet. Staff reviewed the highlights of the report.
10. Audit of Bills – Request for Approval
A motion to approve the bills as presented was made Bill Martens and seconded by Hank Wallace. Unanimously approved.
11. Tonnage Report
The year-end tonnage report was presented. Staff noted 2010 tonnage was down 4%. U.S. Oil will be added cargo for 2011.

12. Director's Report

- *2012 Budget Committee*

A committee is being formed by the County Executive to look at budget issues for 2012, specifically the table of organization.

- *Wisconsin Budget*

Governor Walker is proposing all public employees pay the entire portion of the employee contribution to the Wisconsin Retirement Program (6% of salary). Another area which may affect county employees is removing the union bargaining agreements. Staff will provide updated information to the Commission as it becomes available.

- *Intern Position*

Staff is in the process of interviewing and hiring an intern for the summer.

- *Ballast Water Regulations*

The State of Wisconsin has repealed their ballast water regulations and has returned to the International Maritime Organization (IMO) standard. New York is the only state with regulations stronger than the IMO.

- *Strategic Plan*

The Chamber of Commerce has a business attraction committee and Manager Dean Haen has volunteered to be a part of the committee in order to meet the recommendation in the Strategic Plan of forming a subcommittee to research attracting new business to the Port.

- *Public Relations Campaign*

Based on discussion at the last meeting to have a port display at the museum, staff met with the museum personnel to discuss this idea. The idea was well-received by the museum and they will be bringing up some of the things they have in their archives and will be putting up a display. The display will be on the second floor of the museum. On display will be ship models, cargo, and signage, along with items the Port currently has. Staff noted that having this display will work well with the school curriculum as it will allow for a local tour. The cost of the display is estimated at \$1000. After the display is done, the pictures, display boards, etc., could be used for future exhibits, tradeshows, etc. Commissioner Hanitz offered a photo of the Barkhausen Shipyard 1920 for display at the museum. Haen indicated he would mention this to John Jacobs, Curator of science at the museum.

- *Wisconsin Transportation Development Association*

Port Manager Dean Haen was appointed President of the Wisconsin Transportation Association for 2011. This is the first time someone within the port industry has been president and Haen indicated he will try to drive a waterborne agenda.

- *Port Symposium*

The annual Port Symposium is scheduled for Monday, April 18, 2011. Congressman Ribble will address the group. Other topics to be discussed are U.S. Venture's new port facility and the Fox River Cleanup Project.

- *Packers Impact*

Staff noted that there was a significant increase in activity on the Port website. Since the Super Bowl win, there has been more activity on the Port website in one day than there previously had been in an entire month.

13. Such Other Matters as Authorized by Law

No other matters to discuss.

14. Adjourn

A motion to adjourn was made by Hank Wallace and seconded by John Hanitz. Meeting adjourned at 1:46pm.